



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RCH/SPN/HDM/CRH
F. #2018R01309

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 3, 2022

By ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Rashid Sultan Rashid Al Malik Alshahhi, et al.
Criminal Docket No. 21-371 (BMC)

Dear Judge Cogan:

The parties respectfully submit this proposed joint agenda for the status conference in the above-captioned matter scheduled for January 5, 2022 at 11:45 a.m.

- Production of Rule 16 Material: The government continues to produce discoverable material to the defendants on a rolling basis pursuant to Federal Rule of Criminal Procedure 16. Since the last status conference in this matter, the government has made three additional productions totaling more than 80,000 files. At this stage, the government has produced the vast majority of discoverable material currently in its possession. The government will continue to collect, review and produce new discoverable material on a rolling basis as it comes into the government's possession. The parties have also conferred regarding various discovery-related requests and will continue to do so. If the parties are unable to reach an agreement regarding any such requests, they will bring any such dispute to the Court's attention for resolution.
- Classified Information Procedures Act (CIPA): On October 29, 2021, the government filed a motion for a pretrial conference pursuant to Section 2 of the Classified Information Procedures Act, 18 U.S.C. App. 3, §§ 1-16 ("CIPA"). The government is prepared to proceed with the pretrial conference on January 5, 2022.
- Motion for a Curcio Hearing: On December 23, 2021, the government filed a letter advising the Court of a potential conflict of interest involving counsel for the defendant Matthew Grimes. See Dkt. No. 60. At the status conference, the government respectfully requests that the Court advise Grimes of the potential conflicts, conduct an

appropriate inquiry pursuant to United States v. Curcio, 680 F.2d 881 (2d Cir. 1982), and determine whether Grimes waives these potential conflicts.

- Motion to Dismiss: Counsel for Mr. Barrack requests that the Court set a briefing schedule for a motion to dismiss the indictment. The parties have conferred and respectfully propose the following briefing schedule: (a) the defendant's motion to be filed by January 31, 2022; (b) the government's response to be filed by February 28, 2022; (c) the defendant's reply to be filed by March 14, 2022. The parties will be prepared to argue the motion, if the Court so directs, at the next status conference.
- Scheduling: Defendants would also like to set dates for completion of discovery, CIPA filings, other motions, and a trial date.
- Next Status Conference: The parties respectfully request that the Court schedule the next status conference for the week of March 21, 2022, preferably on March 22, 2022.

Respectfully submitted,

BREON PEACE
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By: /s/ Matthew J. McKenzie
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cc: Counsel for Thomas Joseph Barrack (by ECF)
Counsel for Matthew Grimes (by ECF)
Clerk of the Court (BMC) (by ECF)